

THE REJECTION

Claims 1 through 5 are rejected under 35 U.S.C. §112 as being indefinite for failing to particular point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1, 3, and 5 are rejected under 35 U.S.C. §102 as being anticipated by Clegg, U.S. Patent 6,520,514.

Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Clegg in view of Kipper, U.S. Patent 6,736,265.

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Clegg in view of McCreary, U.S. Patent 6,247,588.

DISCUSSION

Applicant has amended the claims to overcome the rejection of 35 U.S.C. §112 as detailed in paragraph number 2 of the Examiner's rejection, and respectfully submits that that rejection is now obviated.

The Examiner rejects Claims 1, 3, and 5 pursuant to 35 U.S.C. §102(e) as being anticipated by Clegg. Clegg is directed to a portable filing case with retractable wheels and handle. No where does Clegg suggest nor imply the compatibility of his portable filing case with that of a mobile securable tool box for the storage of hand tools, power tools and the like. All of the illustrations of Clegg indicate shelving requirements to accommodate file folders, books, notebooks, three ring binders, manuscripts and transcripts or computer print outs. There is no suggestion of its accommodating hand tools or power tools or the like. Still further, there is no teaching in Clegg regarding a second securing means so as to secure the entire case to a permanent fixture.

Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Clegg in view of Kipper. Kipper discloses a general mechanics tool box having a hingeable top and a

hingeable front face permitting access to a plurality of drawers 140 disposed within the housing. The front face has a plurality of compartments for the storage of small parts. Nowhere does Kipper disclose, teach nor suggest the storage and transportation of power tools and indeed, none of the figures or illustrations of Kipper would permit such storage transportation. Applicant admits that Kipper does illustrate a shell member with a hingeable edge. In fact, Kipper illustrates two shell members with two separate hingeable sides, both shell members required to be in position in order to secure the tool box. Applicant requires only one hingeable edge.

Still further, when Applicant's hingeable edge is utilized to separate the first and second shell members, the user is faced with compartments for the storage and transport of power tools and not a plurality of drawers as taught by Kipper for a plurality of narrow slots for notebooks, file folders and the like, as taught by Clegg.

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Clegg in view of McCreary. McCreary is cited for the presence of an elongated strap 74 prime which can be looped about a permanent fixture and secured by a locking means

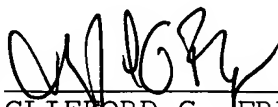
76. However, McCreary is directed to a security assembly for a golf bag, the golf bag of which is made of flexible material such as leather or faux leather, and not the rigid shell members of Applicant's invention. Still further, McCreary is directed to a golf bag, and not a tool bag or mobile housing member for transport of power tools and the like.

Applicant therefore respectfully submits that Clegg, standing alone, neither teaches nor suggests the novel contribution made by Applicant as set forth in Claims 1 through 5 and that the combination of Clegg with Kipper does not render Claim 2 of Applicant's application obvious, nor does the combination of Clegg and McCreary render Claim 4 of Applicant's invention obvious.

In light of the amendment to the claims and the discussion herein, Applicant respectfully submits that the application is in condition for allowance and a notice of same is respectfully solicited.

Respectfully submitted,

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